Preliminary Amendment of November 13, 2007

Attorney Docket No. 10165-042-999

AMENDMENTS TO THE CLAIMS:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

- 1. (Amended) A method of treating, preventing, delaying the onset of, or reducing the effects of proinflammatory cytokines sepsis in a mammal comprising the steps of administering to the mammal a therapeutically effective amount of at least one chemically modified or mutated erythropoietin tissue protective cytokine in and a pharmaceutical carrier.
- 2.-36. (Canceled)
- 37. (New) The method of claim 1, wherein said sepsis has not proceeded to septic shock.
- 38. (New) A method of enhancing wound healing in a mammal comprising administering to the mammal a therapeutically effective amount of at least one chemically modified or mutated erythropoietin and a pharmaceutical carrier.
- 39. (New) A method of treating, preventing, delaying the onset of, or reducing abdominal sepsis, adhesion formation, abnormal fibrous band formation, formation of a connection between organs, scarring, an inflammatory condition of the prostate, urinary tract system, or visceral smooth muscle in a mammal resulting from a fungal infection, fever, wasting, lethargy, edema, insulin resistance, comprising administering to the mammal a therapeutically effective amount of at least one erythropoietin that is optionally chemically modified or mutated and a pharmaceutical carrier.
- 40. (New) A method of treating, preventing, delaying the onset of, or reducing a condition associated with elevated IL-6 in a mammal comprising administering a therapeutically effective amount of at least one erythropoietin that is optionally chemically modified or mutated in a pharmaceutical carrier.

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- 41. (New) The method of any one of claims 1 and 38 to 40, wherein said erythropoietin lacks or is diminished for at least one or more of erythropoietin's erythropoietic effects.
- 42. (New) The method of any one of claims 1 and 38 to 40, wherein the chemically modified or mutated erythropoietin has at least one of the following modifications as compared to the native erythropoietin molecule:
 - i) 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 13 sialic acid moieties;
 - ii) a reduced number or no N-linked or O-linked carbohydrates;
 - iii) a reduced carbohydrate content;
 - iv) one or more oxidized carbohydrates;
 - v) one or more oxidized carbohydrates and is chemically reduced;
 - vi) one or more modified arginine residues;
 - vii) one or more modified lysine residues or a modification of the N-terminal amino group;
 - viii) one or more modified tyrosine residues;
 - ix) one or more modified aspartic acid or glutamic acid residues;
 - x) one or more modified tryptophan residues;
 - xii) one or more amino groups removed;
 - xiii) an opening of one or more of the cystine linkages; and
 - xiv) is truncated.
- 43. (New) The method of any one of claims 1 and 38 to 40, wherein the chemically modified or mutated erythropoietin has one or more of the following mutations: C7S, R10I, V11S, L12A, E13A, R14A, R14B, R14E, R14Q, Y15A, Y15F, Y15I, K20A, K20E, E21A, C29S, C29Y, C33S, C33Y, P42N, T44I, K45A, K45D, V46A, N47A, F48A, F48I, Y49A, Y49S, W51F, W51N, Q59N, E62T, L67S, L70A, D96R, K97D, S100R, S100E, S100A, S100T, G101A, G101I, L102A, R103A, S104A, S104I, L105A, T106A, T106I, T107A, T107L, L108K, L108A, S126A, F142I, R143A, S146A, N147K, N147A, F148Y, L149A, R150A, G151A, K152A, L153A, L155A, A160S, I6A, C7A, B13A, N24K, A30N, H32T, N38K, N83K, P42A, D43A, K52A, K97A, K116A, T132A, I133A, T134A, K140A, F148A, R150B, G151A, K152W, K154A, G158A, C161A, and/or R162A.

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- 44. (New) The method of claim 1 and 38 to 40, wherein the chemically modified or mutated erythropoietin comprises at least one of the following mutations: R14Q, S100E, R103A, and/or R150E.
- 45. (New) The method of claim 1 and 38 to 40, wherein the chemically modified or mutated erythropoietin comprises at least one of the following combinations of mutations: K45D/S100E or K45D/R150E or R103E/L108S or K45D/R150E.
- 46. (New) The method of claim 1 and 38 to 40, wherein the chemically modified or mutated erythropoietin lacks or is diminished for one or more of erythropoietin's erythropoietic effects.
- 47. (New) The method of any of claims 1 and 38 to 40, wherein said erythropoietin is carbamylated.
- 48. (New) The method of any of claims 1 and 38 to 40, wherein said erythropoietin has at least one polyethylene glycol molecule attached.
- 49. (New) A method of treating, preventing, delaying the onset of, or reducing the effects of a condition associated with an effect of proinflammatory cytokines in a mammal comprising administering to the mammal a therapeutically effective amount of at least one chemically modified or mutated erythropoietin, said erythropoietin having at least one polyethylene glycol molecule attached, in a pharmaceutical carrier.
- 50. (New) A method of treating, preventing, delaying the onset of, or reducing the effects of a condition associated with proinflammatory cytokines in a mammal comprising administering to the mammal a therapeutically effective amount of at least one chemically modified or mutated erythropoietin in a pharmaceutical carrier, said erythropoietin having at least one polyethylene glycol molecule attached.

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51. (New) The method of claim 49 or 50, wherein said erythropoietin is also carbamylated.

- 52. (New) The method of claim 47, wherein said carbamylated erythropoietin is alpha-N-carbamoyl, N-epsilon-carbamoylerythropoietin.
- 53. (New) The method of claim 51, wherein said carbamylated erythropoietin is alpha-N-carbamoyl, N-epsilon-carbamoylerythropoietin
- 54. (New) The method of claim 47, wherein said carbamylated erythropoietin has at least 90% of the lysines carbamylated, 95% of the lysines carbamylated, or 100% of the lysines carbamylated.
- 55. (New) The method of claim 51, wherein said carbamylated erythropoietin has at least 90% of the lysines carbamylated, 95% of the lysines carbamylated, or 100% of the lysines carbamylated.
- (New) The method of any one of claims 1, 38 to 40, 49 or 50, wherein the carbamylated erythropoietin has at least six lysine residues carbamylated, at least seven lysine residues carbamylated, or at least eight lysine residues carbamylated.
- 57. (New) The method of claim 49 or 50, wherein the proinflammatory cytokine comprises at least one of Interleukin or TNF.
- 58. (New) The method of claim 50, wherein the condition associated with proinflammatory cytokines is an ischemia-related condition, allergy, rheumatic disease, or infection.
- (New) A method for treating a condition related to proinflammatory cytokines in a mammal with reduced hematocrit levels comprising administering a therapeutic dose of erythropoietin, said dose sufficient to restore the hematocrit in said mammal, and administering a therapeutic dose of a chemically modified or mutated erythropoietin.

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- 60. (New) The method of claim 59, wherein said condition is anemia.
- 61. (New) The method of claim 60, wherein said anemia is associated with cancer or another chronic disease.
- 62. (New) A pharmaceutical composition comprising an amount of at least one chemically modified or mutated erythropoietin effective for use in the method of claim 1.
- 63. (New) A pharmaceutical composition comprised of an amount of at least one erythropoietin effective for use in the method of any one of claims 39 to 40.
- 64. (New) The pharmaceutical composition of claim 62, wherein the erythropoietin (i) lacks or is diminished for at least one of erythropoietin's erythropoietic effects; (ii) has at least one polyethylene glycol molecule attached; or (iii) is carbamylated.
- 65. (New) The pharmaceutical composition of claim 62, wherein said erythropoietin is alpha-N-carbamoyl, N-epsilon-carbamoylerythropoietin.
- 66. (New) The method of claim 38, wherein the wound is a result of one or more of trauma, surgery, pressure, burns, diabetes, or vascular insufficiencies.
- 67. (New) The method of claim 39, wherein the adhesion formation is a result of one or more of surgery, trauma, infection, chemotherapy, radiation, or cesarean section.
- 68. (New) A method for testing the ability of a chemically modified or mutated erythropoietin to treat, prevent, delay the onset of, or reduce complications of sepsis, adhesions, or inflammation resulting from infection comprising:
 - (i) inducing sepsis, adhesions, inflammation, or a combination thereof in a mammal;
 - (ii) administering to said mammal the erythropoietin to be tested; and
 - (iii) determining the adhesion score of the mammal,

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wherein if the adhesion score determined in step (iii) is less than the adhesion score absent the erythropoietin then said erythropoietin effectively treats, prevents, delays the onset of, or reduces complications of sepsis, adhesions, or inflammation resulting from infection.

- 69. (New) A method for testing the ability of a chemically modified or mutated erythropoietin to treat, prevent, delay the onset of, or reduce complications of sepsis, adhesions, or inflammation resulting from infection comprising:
 - (i) inducing sepsis, adhesions, inflammation, or a combination thereof in a mammal;
 - (ii) administering to said mammal the erythropoietin to be tested; and
 - (iii) determining the illness score of the mammal,

wherein if the illness score determined in step (iii) is less than the illness score absent the erythropoietin, then said erythropoietin effectively treats, prevents, delays the onset of, or reduces complications of sepsis, adhesions, or inflammation resulting from infection.